

REMARKS

Claims 1-37 were pending in the instant application. Claims 6-9, 12-13, 16-17 and 20-22 remain withdrawn from consideration as being directed to non-elected species, and claims 1-5, 10, 11, 14, 15, 18, 19 and 30-37 stand rejected. Claim 1 is amended and claims 22-29 are canceled herewith to more particularly point out and distinctly claim the invention. The amendment to claim 1 is supported in the specification at paragraph 23, on page 6.

Rejections under 35 U.S.C. 112, first paragraph

Claims 1-5, 10, 11, 14, 15, 18, 19 and 30-37 stand rejected under 35 U.S.C. 112, first paragraph as failing to comply with the written description requirement. It is asserted that the limitation that A in the compound recited in Claim 1 is not a pyrimidyl or substituted pyrimidyl group is new matter. Applicants respectfully request withdrawal of this rejection, because the phrase asserted to be new matter is no longer part of claim 1.

Rejections under 35 U.S.C. 102(a)

Claims 1-3, 10-11, 14-15, 18, 30-33 and 36 stand rejected under 35 U.S.C. 102(a) as being anticipated by Von Borstel et al. (U.S. Patent 6,103,701). It is asserted that Von Borstel et al. discloses the recited compound, where A is a substituted pyrimidyl group. Applicants respectfully request withdrawal of this rejection since no claim as amended is directed to the recited compound where A is a substituted pyrimidyl.

Conclusion

In light of the claim amendments and the discussion provided above, applicants believe that pending claims 1-5, 10, 11, 14, 15, 18, 19 and 30-37 are patentable with respect to the elected species, i.e., nitrogen linked heterocyclic groups. Accordingly, applicants request withdrawal of all current rejections and examination of the entire claim set, claims 1-21 and 30-37, with respect to the non-elected groups. If there are

Appl. No. 10/038,760
Amdt. dated May 6, 2004
Reply to Office Action of Feb. 6, 2004

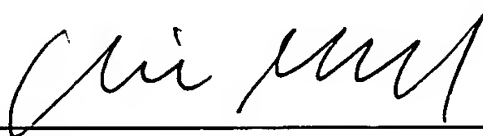
any minor issues preventing examination of the claims with respect to the non-elected groups, applicants request that Examiner McIntosh contact the undersigned attorney.

It is believed that no fee, other than the enclosed \$385 for the Request for Continued Examination, is required with this Amendment and Reply. However, if there is an unexpected fee required to maintain the pendency of this application, authorization is hereby given to charge that fee, or credit any over-payment, to Deposit Account No. 01-1785.

Respectfully submitted

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Dated: New York, New York
May 6, 2004

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